

CalAERO

DIVISION OF AERONAUTICS

CALIFORNIA DEPARTMENT OF TRANSPORTATION

January 2011

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Longtime Aeronautics Employee Retires

By: Sandy Hesnard

Sandy Hesnard, an employee of the Division of Aeronautics since 1985, has recently retired. As the Division's Aviation Environmental Specialist, Sandy was responsible for ensuring that airport-related noise and safety concerns were adequately addressed in the environmental documents for on-airport development and for local projects in the vicinity of an airport, in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

In retirement, she says she hopes to travel more, starting with hiking, camping, and backpacking in as many of the state and national parks as possible. Sandy was a very dedicated employee and she will be greatly missed. We wish her all the best in her retirement!



Philip Crimmins, an Aviation System Planner and the Division's legislative coordinator, has taken over Sandy's duties, in addition to continuing his legislative duties. Philip can be reached at (916) 654-6223 or by email at Philip.Crimmins@dot.ca.gov.

Budget Update

With the new budget in place, our grant programs are no longer suspended. Please submit Annual Certification for Fiscal Year 2010-11. Contact: gwyn.reese@dot.ca.gov.



California Aid to Airports Program

By: Gwyn Reese

Please submit your 2010-11 California Aid to Airports Program Certification if you have not done so already. You may also request Annual Credit funds for both Fiscal Years (FY) 2009-10 and 2010-11. Our grant programs were not suspended this year and the FY 2009-10 suspension is no longer in effect.

If you have received a Federal AIP grant, apply immediately for a State matching grant as funds

are now available.

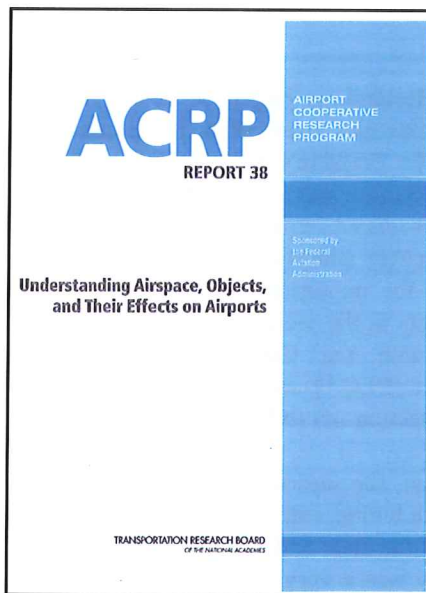
If you have a project in the 2010 Acquisition and Development program for FY 2010-11, please submit your application and resolution to the Division of Aeronautics, Office of Technical Services before the end of February 2011, or you risk having your project pulled from the 2010 Aeronautics Program.

ACRP Releases Report 38: Understanding Airspace, Objects, and Their Effects on Airports

By: Derek Kantar

Airport Cooperative Research Program (ACRP) Report 38: *Understanding Airspace, Objects, and Their Effects on Airports* has been recently released. The Report was designed to be used as a reference for groups interested in the use and development of land on and in the vicinity airports including: airport management, municipal and regional planning agencies, state departments of transportation, and building developers.

The Report provides a comprehensive description of the regulations, standards, evaluation criteria, and processes designed to protect the airspace surrounding airports. Aviation practitioners, local planning and zoning agencies, and developers all have a need to understand and apply the appropriate airspace design and evaluation criteria to ensure a safe operating environment for aircraft, to maintain airport operational flexibility and reliability, without unduly restricting desirable building development and attendant economic growth in the surrounding community.



The Report first lists and describes the key airspace protection criteria and how they are to be applied, including *Federal Aviation Regulations Part 77*; *United States Standard for Terminal Instrument Procedures*; Federal Aviation Administration (FAA) Advisory Circular 150/5300-13, *Airport Design*; and one-engine-inoperative requirements. The Report then clarifies the roles and responsibilities of key stakeholders, including the FAA, the airport, local authorities who issue building permits, and developers. The Report concludes with recommendations for best practices for airports, local planning and zoning agencies, and developers that should significantly mitigate airspace-building development conflicts.

Of particular interest to California aviation are two case studies supporting their thesis at Oakland International Airport and Norman Y. Mineta-San Jose International Airport. The Report can be found on ACRPs website at:

http://onlinepubs.trb.org/onlinepubs/acrp/acrp_rpt_038.pdf

ACRP Problem Statements Sought for 2012

By: Gary Cathey

ACRP is looking for problem statements for the 2012 program year.

Research ideas (i.e. "problem statements") are now being accepted for the Fiscal Year (FY) 2012 Airport Cooperative Research Program (ACRP). The ACRP is an applied, contract research program with the objective of developing near-term solutions to issues facing airport-operating agencies. The ACRP undertakes research and other technical activities in a variety of airport-related areas, including operations, design, construction, engineering, maintenance, human resources, administration, policy, planning, environment, safety, and

security. Potential problem statements may be submitted by anyone at any time; however, the closing date for consideration of problem statements for the FY 2012 program is March 4, 2011.

Please visit the following ACRP website to read a related Memo that provides important problem statement submittal guidance:

<http://www.trb.org/Main/Blurbs/fce5ad57-8c0b-472f-9e5f-d9fe3ffff723.aspx>. The Division of Aeronautics strongly supports the mission and objectives of the ACRP and is an active participant in many of its research endeavors.

Federal Aviation Regulation Part 77 Amendment

By: Jeff Brown

A final rule for Federal Aviation Administration (FAA) amendment to 14 Code of Federal Regulations Part 77, more commonly known as Federal Aviation Regulation (FAR) Part 77 (FAR 77), was published in the July 21, 2010, Federal Register. The amended FAR 77 is effective January 18, 2011. Since FAR 77 impacts airports, California aeronautics regulations, airspace, and land use on and around airports, in this article we will try to highlight some of the significant changes you will see in the new FAR 77, along with the section number of the amended regulation.

One FAA goal was to simplify the existing regulations. As a result, sections have been revised and/or streamlined. However, practically all sections have been renumbered, so you might have some initial confusion until you find which section(s) contain the information you need. Several examples include FAR 77.25 and FAR 77.29, which formerly specified imaginary surfaces such as the Primary, Approach, and Transitional Surfaces for airports and heliports, are now FAR 77.19 and FAR 77.23, respectively. Similarly, FAR 77.23, which detailed standards for determining obstructions, is now FAR 77.17. Please take note of these particular sections, as they are referenced, under the old FAR 77 section numbers, in the California Code of Regulations (CCR), Title 21, Sections 3525 through 3560, *Airports and Heliports*. We will take action to update the CCR, but may not be finished by the time the FAR 77 amendment becomes effective.

The FAR 77 advance notice requirement for filing proposed construction or alteration with the FAA has been increased to a minimum of 45 days before either the date construction begins, or the date of the construction permit application, whichever is earliest. This change was made because the existing 30 day period did not provide adequate time for processing the airspace case, particularly if additional information, such as a public comment period, was necessary to complete the study (FAR 77.7).

FAR 77 notification requirements have been expanded to include proposed construction or alteration of structures on or near private use airports that have an Instrument Approach Procedure (IAP), and also airports operated by a Federal agency. As IAPs at private use airports and heliports are not currently listed in any aeronautical publication, sponsors will need to access the FAA Obstruction Evaluation/Airport Airspace Analysis website (<https://OEAAA.faa.gov>) to determine whether the facility has an FAA-approved IAP. This information is not yet shown on the website, but presumably will be as of the effective date of the amended FAR 77 (FAR 77.9).

Additionally, under the "Scope" section in Subpart C, which specifies Standards for Determining Obstructions, FAR 77 now states objects that are considered obstructions are presumed to be hazards to air navigation unless an aeronautical study concludes the object is not a hazard. Also, the list of airports that the obstruction standards apply to now includes airports operated by a Federal agency (formerly only those operated by an armed force of the U.S.) and airports that have at least one FAA-approved instrument approach (FAR 77.15).

The current FAR 77 defines a proposed or existing structure as an obstruction to air navigation if it is higher than 500 ft above the ground. The minimum flight altitude to operate an aircraft over non-congested areas is 500 ft above the surface. So, conceivably an aircraft at 500 ft AGL could encounter a structure 500 ft tall that was not considered an obstacle according to FAR 77. The amended FAR 77 now defines all structures above 499 feet tall as obstructions, which the FAA will study to determine their effect on navigable airspace (FAR 77.17).

An FAA Determination of Hazard or Determination of No Hazard will become effective 40 days after the date issued, unless a petition for discretionary review is received by the FAA within 30 days of issuance of the determination. Unless extended, revised, or terminated, a Determination of No Hazard to air navigation expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned. A Determination of Hazard does not expire (FAR 77.33).

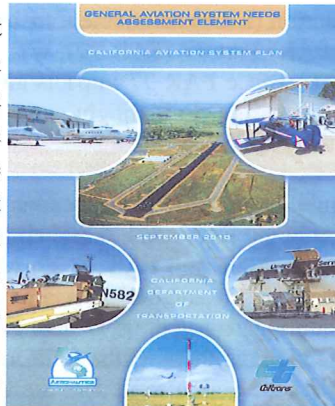
Information on the processing of petitions for discretionary review of an airspace determination has been added. Determinations of No Hazard for temporary structures, recommendations for marking and lighting, and studies where the proposed structure does not exceed obstruction standards, are excluded from the discretionary review process. Review of the temporary structure determination is excluded because it is not possible to apply the lengthy review process during the short duration of a temporary structure. Recommendations for marking and lighting are also excluded from the review process because they are just recommendations; there is a separate FAA process for waiver, or deviation from, the recommendations (FAR 77.37).

Continued on page 4.

Needs Assessment Update Underway

By: Derek Kantar

The Division released the latest version of the General Aviation System Needs Assessment Element back in September 2010 (see our related article in the October 2010 newsletter). We mentioned our goal was to keep the airport data found in the Appendix 4 tables current by publishing updated information twice a year. The first update will be published in mid-February. As a friendly reminder, we're asking that corrected information be



submitted to us by January 31, to be included in the February update. Any information received after January 31, will be included in the August update. Please fax your updates to us at (916) 653-9531, or email them to Derek Kantar at Derek.kantar@dot.ca.gov. For further information, Derek can be reached at (916) 651-0597. A special thank you to the airports that have already submitted their information!

Federal Aviation Regulation Part 77 Amendment Cont.

By: Jeff Brown

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Additionally, there have been some other changes that might be noteworthy. The provisions governing antenna farms have been removed, as the FAA has not established any antenna farms, and the other FAR 77 regulations for structures would address FAA needs (old 77.1). "Planned or Proposed" airports, which were included relative to obstruction notification and obstruction standards in both the new and old FAR 77, are now defined (FAR 77.3). Also, proposals requiring Supplemental Notice now require the FAA to be notified within 5 days of abandonment, dismantling, or destruction of the construction or alteration (77.11).

Finally, the FAA had initially planned to make other amendments, including changes to imaginary surfaces and developing electromagnetic interference obstruction standards. The FAR 77 amendment does not include new provisions for those areas. Here's a link to the Federal Register entry: <http://frwebgate2.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=7iqyR3/6/2/0&WASaction=retrieve>.

Upcoming Event

January 29-February 2, 2011, Southwest Chapter of the American Association of Airport Executives, Monterey, CA. Website: www.swaaae.org. General Information: (480) 403-4604.

June 6-10, 2011, FAA Annual Airports Conference, Los Angeles, CA. Website: www.faa.gov. General Information: Hank Verbais (310) 725-3802.

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Do you have something noteworthy to suggest for future issues of the CalAERO Newsletter?

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